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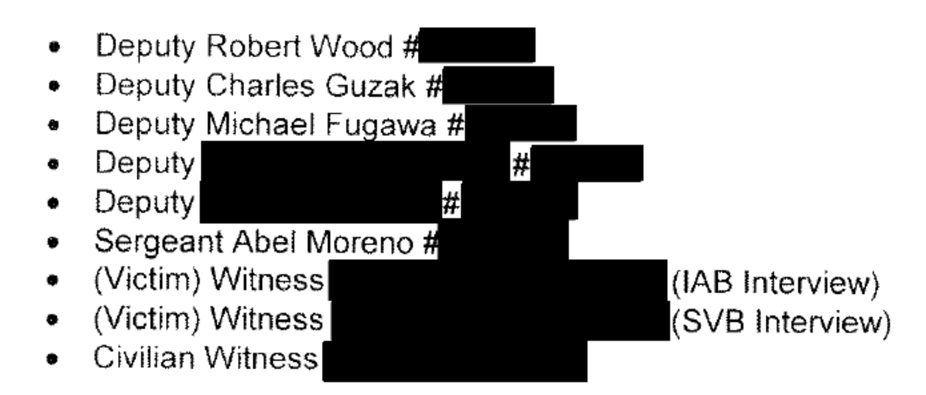
IAB # FO2368884

AUDIO / VIDEO TRACKING SHEET

PERSONNEL INVESTIGATION FORM

INVESTIGATIVE SUMMARY

TRANSCRIBED INTERVIEWS



- Deputy Robert Wood #[redacted]
- Deputy Charles Guzak #[redacted]
- Deputy Michael Fugawa #[redacted]
- Deputy [redacted] #[redacted]
- Deputy [redacted] #[redacted]
- Sergeant Abel Moreno #[redacted]
- (Victim) Witness [redacted] (IAB Interview)
- (Victim) Witness [redacted] (SVB Interview)
- Civilian Witness [redacted]

NON – TRANSCRIBED INTERVIEW

Los Angeles County Fire Captain Witness Kent Chatfield

EXHIBITS

- **A-** Los Angeles County Sheriff's Department Homicide Bureau Case Book. (IAB Case Book Volumes 2 -8)
- **B-** Copy of Los Angeles County District Attorney's Officer Letter of Opinion
- **C-** One (1) CD Containing 9-1-1 Call and Los Angeles County Fire Department Requested Medical Response
- **D-** One (1) CD Containing Call Radio Traffic – Tag 23
- **E-** Crime Scene Photos
- **F-** Three (3) CD's Containing Suspect Ibarra's Medical Records From Garfield Medical Center
- **G-** One (1) CD Containing Photos of Suspect Ibarra's Injuries
- **H-** One (1) CD Containing Special Victim's Bureau's Investigative Documentation.

I- Temple Station Reports and Corresponding Documents
J- Two (2) DVD's Containing Surveillance Video Obtained From the Gales Motel
K- One (1) CD Containing Audiotaped Interview of Los Angeles County Fire Captain Kent Chatfield by IAB

MISCELLANEOUS DOCUMENTS

- Administrative Rights - Force / Shooting Investigation Forms for:
  - -Deputy Robert Wood (Interview Sketch)
  - -Deputy Charles Guzak (Interview Sketch)
  - -Deputy Michael Fugawa (Interview Sketch)
  - -Deputy [redacted] (Interview Sketch)
  - -Deputy [redacted] (Interview Sketch)
  - -Sergeant Abel Moreno (Interview Sketch)

- Internal Affairs Bureau Roll Out Response Memorandum
- Departmental Training Records for Deputy Robert Wood
- Departmental Training Records for Deputy Charles Guzak



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

June 24, 2016

Captain Steven Katz
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: In-Custody Death of Juan Ibarra
J.S.I.D. File #16-0223
L.A.S.D. File #014-12830-0532-054

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 20, 2014, in-custody death of Juan Ibarra while he was in the custody of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

JAMES GARRISON
Head Deputy District Attorney
Justice System Integrity Division

c: Sergeant Abel Moreno, #[redacted]
Deputy Robert Wood, #[redacted]
Deputy Michael Fugawa, #[redacted]
Deputy [redacted], #[redacted]
Deputy [redacted], #[redacted]
Deputy Charles Guzak, #[redacted]

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MEMORANDUM

TO: CAPTAIN STEVEN KATZ
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: In-Custody Death of Juan Ibarra
J.S.I.D. File #16-0223
L.A.S.D. File #014-12830-0532-054

DATE: June 24, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 20, 2014, in-custody death of Juan Ibarra. It is the conclusion of this office that Los Angeles County Sheriff's Department (LASD) Sergeant Abel Moreno and Deputies Robert Wood, Michael Fugawa, [redacted], [redacted] and Charles Guzak are not criminally liable for Ibarra's death.

The following analysis is based on police reports, witness interviews, medical records, and photographs submitted to this office by Detectives Robert Martindale and Quilmes Rodriguez of the Los Angeles Sheriff's Department Homicide Bureau.

FACTUAL ANALYSIS

On October 20, 2014, at 3:16 a.m., LASD Deputies Robert Wood, Michael Fugawa, [redacted], [redacted], Charles Guzak, and Sergeant Abel Moreno responded to a 9-1-1 call of a family disturbance at Gale's Motel in the City of Rosemead. When they arrived they saw [redacted] standing in front of a motel room and covered in blood. She was naked from the waist down and bleeding profusely from her vagina. [redacted] appeared to be under the influence of drugs and was standing next to her [redacted] year old [redacted], who was uninjured. [redacted] said her [redacted] Juan Ibarra, was in the adjacent motel room and was acting out because he thought [redacted] baby was dead.[1] The baby was unaccounted for.

The deputies looked inside the motel room and saw Ibarra, who was later determined to have methamphetamine in his bloodstream, naked, sweating profusely, lying on the floor, violently thrashing his arms and legs, and yelling rapidly and incoherently in Spanish. There was a large amount of blood on the bed and the room was ransacked. As deputies watched through a doorway, Ibarra got up and ran across the bed and toward a window and fell down. He got up again and ran to the window and started kicking the glass in an attempt to break it.

[1] Ibarra was 35 years-old, 175 pounds, and stood five feet nine inches tall.

Believing the baby was in the room and in danger, and needing to restrain Ibarra, Wood reached through a crack in the door and administered a three second burst of pepper spray to Ibarra's face, which caused him to stop kicking the window, get down on the floor, and crawl to the center of the room.

The deputies entered the room to restrain Ibarra who was "very strong" and struggled violently with them. Ibarra put his arms underneath him and was able to lift himself off the floor with Wood straddling his back. He also grabbed Fugawa's wrist and would not let go. Fugawa and Wood punched Ibarra on the side of the face to cause him to release his grip. Three other deputies assisted Wood and Fugawa in handcuffing Ibarra, hobbling his feet, and connecting his feet to his handcuffs using a Total Appendage Restraint Procedure (TARP).

The deputies rolled Ibarra onto his side to monitor his breathing. Shortly thereafter, Ibarra went into cardiopulmonary arrest. Paramedics, who were already on scene to care for [redacted], were summoned immediately. They performed CPR on Ibarra and transported him to the hospital where he was resuscitated but remained in a coma due to brain damage caused by a lack of oxygen after cardiac arrest.[2]

Ibarra and [redacted] month old baby was located in a nearby motel room. She had a large contusion on her forehead, petechiae on both eyelids consistent with choking or asphyxiation, inflammation of the throat, a rectal abrasion, and blood in her diaper. The investigation showed that Ibarra tried to force feed the baby a white substance, possibly methamphetamine, and stuffed his fingers down her throat. He also shook the baby as he held her over his head.

[redacted] had life-threatening, traumatic vaginal and rectal injuries, including a vaginal laceration and a full thickness tear of her anus caused by Ibarra assaulting her with an unknown foreign object.

Ibarra remained in a vegetative state in the hospital for several months due to brain damage caused by oxygen-deprivation after his cardiac arrest. He was transferred to a long-term care facility where he died approximately five months later due to respiratory arrest after his breathing apparatus was accidently dislodged from his throat.[3] The attending physician determined the cause of death to be "anoxic encephalopathy and coronary artery disease."[4]

Statement of LASD Deputy Robert Wood

Wood responded to a 9-1-1 call of a family disturbance at a motel. He arrived and saw [redacted] bleeding profusely from the vagina and standing next to a little girl. Wood saw Ibarra in the motel room naked, sweating profusely, throwing furniture, screaming in Spanish, falling down, and attempting to break a window. [redacted] said Ibarra was acting that way because he thought [redacted] baby was dead. Believing a baby was in the motel room and was in danger, and needing to restrain Ibarra, Wood administered a three second burst of pepper spray to Ibarra's face. Wood entered the room with other deputies and straddled Ibarra's back. Ibarra was very strong and

[2] The deputies arrived at 3:20 a.m. Fire department personnel were at the scene at 3:26 a.m. Ibarra arrived at the hospital at 4:08 a.m.

[3] No postmortem examination was ordered because there was no indication at the time of death that law enforcement was involved in the death or that the death was caused by suspected criminal action.

[4] "Anoxic encephalopathy" is global loss of brain function due to lack of oxygen.

lifted Wood off the floor. Ibarra grabbed Fugawa's wrist. Wood and Fugawa punched Ibarra on the side of the face to cause Ibarra to let go.[5] They handcuffed Ibarra and restrained him with a hobble. Ibarra continued to kick so Sergeant Moreno ordered Wood to connect the hobble and handcuffs together in TARP. Ibarra was rolled onto his side to monitor his breathing and went into cardiac arrest. Paramedics were summoned and they performed CPR on Ibarra.

Statement of LASD Deputy Michael Fugawa

Fugawa entered the motel room to assist other deputies in restraining Ibarra. He grabbed Ibarra's right arm as Ibarra pushed himself off the floor, overpowering the deputies and exhausting Fugawa in attempting to hold Ibarra down. Ibarra ignored the deputies' commands to stop resisting and grabbed Fugawa's wrist hard enough to cause Fugawa to feel tingling down his thumb. Fugawa thought Ibarra was going to break his hand so he punched Ibarra twice on the side of the face. Ibarra let go and was handcuffed and hobbled. He "continued to thrash around and was kicking his legs violently" so the supervisor, Sergeant Moreno, ordered them to TARP Ibarra by connecting Ibarra's handcuffs to his ankle restraints. Deputy Wood applied the TARP and Fugawa and Deputy [redacted] rolled Ibarra onto his side. Ibarra would not stay on his side and moved his body back and forth while kicking his legs. Fugawa stabilized Ibarra's legs by applying pressure near the ankles while [redacted] attempted to prevent Ibarra from lying flat on his stomach. Ibarra began to calm down but suddenly began kicking his legs violently again for approximately 30 seconds and then lapsed into unconsciousness. Paramedics, who were already at the scene, started CPR on Ibarra.

Statement of LASD Deputy Charles Guzak

Guzak responded to a domestic violence call and when he arrived he saw [redacted] and a young girl standing outside a motel room. [redacted] was holding a blood-soaked shirt between her legs. Guzak looked into the adjacent motel room and saw Ibarra lying completely naked on the floor. Furniture was thrown across the room and the bed was stained with blood. Guzak spoke with [redacted] who said she had a female baby and Ibarra was behaving violently because "he thinks the baby is dead." Guzak entered the motel room with Wood, Fugawa, and [redacted] to restrain Ibarra. Guzak tried to grab Ibarra's legs but was unable to gain control of him because Ibarra was struggling violently. When Ibarra attempted to turn his body to face up, Guzak attempted to hold him down by placing his shins on Ibarra's legs but Ibarra was able to push him off. Sergeant Moreno instructed Guzak to apply a hobble to Ibarra's ankles. Guzak applied the hobble and held onto it while Ibarra kicked violently. Moreno ordered the deputies to use the TARP so Guzak attached the hobble to Ibarra's handcuffs. Fugawa and [redacted] rolled Ibarra onto his right side to monitor his breathing. Ibarra began to calm down as paramedics entered to examine him. After paramedics left the room to attend to [redacted] Guzak noticed Ibarra had stopped moving and appeared to be unconscious. The paramedics were summoned and Guzak removed Ibarra's handcuffs and restraints. Paramedics performed CPR on Ibarra.

Statement of LASD Deputy [redacted]

[redacted] entered Ibarra's room to assist other deputies in restraining him. He saw Ibarra lying face down on the floor, naked, and sweating profusely. [redacted] attempted to grab onto Ibarra's

[5] Ibarra had abrasions to his nose and right side of his face.

left arm but Ibarra was moving to get up from the floor and his arm kept slipping from [redacted] grasp. Ibarra grabbed Fugawa's hand and ignored orders to let go. Wood punched Ibarra on the back to cause Ibarra to release Fugawa's hand. Gonzalez gained control of Ibarra's left arm and, with [redacted] assistance, was able to handcuff Ibarra. Another deputy applied the TARP and [redacted] held Ibarra down to prevent him from struggling against the restraints until Fugawa and [redacted] were able to roll Ibarra onto his right side.

Statement of LASD Deputy [redacted]

[redacted] arrived with other deputies and observed Ibarra yelling incoherently in Spanish and throwing large pieces of furniture across the room. Ibarra failed to comply with the deputies' orders to stop and kicked the motel room window. Wood opened Ibarra's motel room slightly, reached in, and sprayed Ibarra with pepper spray. [redacted] spoke with [redacted] in Spanish. [redacted] said Ibarra was her [redacted] and that she believed Ibarra was behaving "crazy" because he thought he killed [redacted] baby. After learning there was possibly an infant in the room with Ibarra, the deputies formulated a plan to enter the room. When they entered, [redacted] attempted to control Ibarra's upper body movement by putting his hands on his shoulders and his left knee on his lower back but Ibarra attempted to stand up and was able to lift [redacted] off his body. [redacted] was eventually able to help handcuff Ibarra but Ibarra was still thrashing violently, so the deputies applied a hobble and used a TARP. [redacted] helped turn Ibarra onto his right side and monitored his vital signs while holding him down to prevent him from struggling. After the paramedics first checked on Ibarra, [redacted] observed Ibarra begin to calm down and stop kicking. Two minutes later, [redacted] saw that Ibarra's body had relaxed completely and noticed he was unconscious so he summoned the paramedics.

Statement of LASD Sergeant Abel Moreno

Moreno arrived to provide assistance as a field supervisor. After learning of the possible presence of a child in the motel room and observing [redacted] injuries and Ibarra's violent and erratic behavior in the room, Moreno decided they would enter the room to detain Ibarra and search the room for the infant. Ibarra failed to comply with the deputies' orders and struggled with the deputies. Ibarra tried to stand up with Wood on his back and he tried to kick Guzak. After the deputies handcuffed and hobbled Ibarra, he continued to struggle violently. Moreno ordered the team to apply the TARP. They did so and turned Ibarra onto his right side. Moments later Ibarra stopped struggling and Moreno summoned paramedics who checked Ibarra and determined he was breathing normally. The paramedics left the room to further assist [redacted] Approximately two minutes later, Moreno noticed Ibarra was unresponsive and breathing heavily. The paramedics were summoned and Ibarra was uncuffed. The paramedics performed CPR.

Statement of [redacted]

[redacted] who was seven years-old, woke up and heard her [redacted] and [redacted] arguing because her [redacted] thought her 11 month-old [redacted] was dead. She said her [redacted] was "going crazy" and carrying the baby over his head, sticking his fingers down her throat, and screaming, "Don't die! Don't die!" [redacted] noticed her [redacted] had blood on his hands and said he was trying to close [redacted] "Mollera" (a baby's soft spot at the back of the head). [redacted] threw

water on Ibarra in an attempt to get him to stop acting crazy. She said her [redacted] was acting violently because he did not want the police to come and take him.

Statement of [redacted]

[redacted] appeared to be under the influence of drugs, was badly injured, and gave a disjointed account of what happened. She said her family was in their motel room when her infant [redacted] began to choke on food. Ibarra tried to dislodge the object by slapping [redacted] back and sticking his fingers in her mouth. While the baby was choking, [redacted] fell down. Ibarra forced a bag filled with a white powder into [redacted] mouth to "make her more alert." She said the powder made her feel like she was dying and she passed out multiple times during the night. [redacted] does not remember bleeding and could not explain how she was injured. She said Ibarra was acting crazy and does not remember seeing him ingest any drugs.

Juan Ibarra's Background and Injuries

When paramedics transported Ibarra to the hospital he was in cardiopulmonary arrest. He was resuscitated at the hospital but diagnosed with "anoxic encephalopathy", brain damage caused by lack of oxygen occurring during cardiac arrest.

Ibarra had bruising to his buttocks and thighs, bruising and scratching to his knees and shins, and abrasions to the face and nose.

A toxicology screening showed methamphetamine in Ibarra's bloodstream.

Approximately four months later, Ibarra remained comatose and was moved to a long-term care center. He died five months later at a hospital due to respiratory failure after his breathing apparatus was accidentally dislodged.[6]

The attending physician listed Ibarra's cause of death as "anoxic encephalopathy and coronary artery disease."

LEGAL ANALYSIS

A police officer may use reasonable force in making an arrest, preventing an escape, or in overcoming resistance.[7] Reasonableness is judged from the perspective of a reasonable person acting as a police officer and considers the circumstances surrounding the use of force including: (1) whether the suspect poses an immediate threat to the safety of the officers or others, (2) whether the suspect is actively resisting arrest or attempting to evade arrest by flight, and (3) the severity of the crime at issue.[8]

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[6] Ibarra was discovered in his residential care hospital bed with his tracheostomy tube dislodged. The medical staff was unsuccessful in re-inserting the tube so 9-1-1 was called. Paramedics transported Ibarra to the hospital where he died a short time later. It is unknown how Ibarra's tracheostomy tube became dislodged but was described by medical staff as an "accidental decanulation."

[7] *Penal Code* § 835a.

[8] *Graham v. Connor* (1989) 490 U.S. 386; *People v. Mehserle* (2012) 206 Cal. App. 4th 1125.

The evidence presented in this investigation supports witness accounts that Ibarra was under the influence of methamphetamine, acting "crazy", throwing furniture, attempting to break a window, sweating profusely, and was stumbling, agitated, and violent. He stuffed his fingers down [redacted] eleven month old baby's throat, causing her to choke, force fed her a white substance, possibly methamphetamine, held her over his head, and assaulted her rectally. Ibarra also attacked his [redacted] with a foreign object and caused her life-threatening vaginal and rectal injuries. The deputies, fearing that Ibarra was further endangering a baby and himself, attempted to restrain him by using pepper spray. Ibarra, who was very strong, struggled with the deputies violently, which necessitated hobbling Ibarra and attaching his handcuffs to the hobble. After Ibarra was handcuffed and hobbled he was placed on his side and checked by paramedics. Shortly thereafter Ibarra went into cardiopulmonary arrest. CPR was administered and Ibarra was transported to the hospital where he was resuscitated but remained in a coma. He died nine months later from an accidental dislodging of his tracheostomy tube.

CONCLUSION

The force used by Sergeant Abel Moreno and Deputies Robert Wood, Michael Fugawa, [redacted], and Charles Guzak was reasonable under the circumstances to overcome Ibarra's resistance and prevent him from further harming himself or others. They are not criminally liable for Ibarra's death. We are closing our file and will take no further action in this matter.